

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BOC AVIATION LIMITED,	:	
	:	Case No. 22 Civ. 2070 (LJL)
Plaintiff,	:	
	:	
- against -	:	
	:	
AIRBRIDGECARGO AIRLINES, LLC, and	:	ORDER CONCERNING
VOLGA-DNEPR LOGISTICS B.V.,	:	ACCRUED SANCTIONS
	:	
Defendants.	:	
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WHEREAS on March 14, 2022, the Court entered an *Ex Parte* Order For Immediate Possession Of Aircraft And Injunction (the “*Ex Parte* Order”) that ordered, *inter alia*, Defendant AirBridgeCargo Airlines, LLC (“AirBridge”) to “immediately TURNOVER to BOCA all Aircraft Documentation,” Dkt. Nos. 12 & 26 at 3;

WHEREAS on November 16, 2022, the Court issued an oral argument granting a preliminary injunction that required defendants AirBridge and Volga-Dnepr Logistics B.V. (“Volga-Dnepr”) (together, “Defendants”) to convey title to two Replacement Engines to Plaintiff BOC Aviation Limited (“BOCA”), Dkt. No. 86 at 18, which was reduced to a written order entered on November 21, 2022, Dkt. No. 70, (collectively referred to as the “November Preliminary Injunction”);

WHEREAS, BOCA moved on November 23, 2022, to hold Defendants in contempt for failing to comply with the *Ex Parte* Order and the November Preliminary Injunction as to both the Aircraft Documentation and the Replacement Engines, Dkt. Nos. 73-77;

WHEREAS on December 12, 2022, the Court entered an Opinion and Order in which it granted BOCA’s motion and ordered each defendant to pay, beginning on December 13, 2022, daily sanctions to BOCA for failure to turn over the Aircraft Documentation and daily sanctions

for failure to deliver title to two Replacement Engines, Dkt. No. 91 at 36 (the “First Contempt Order”);

WHEREAS during the six weeks of sanctions under the First Contempt Order, sanctions of \$1,260,000 accrued against each Defendant as to the Aircraft Documentation and \$2,100,000 as to the Replacement Engines;

WHEREAS on February 10, 2023, BOCA applied by way of order to show cause for an order extending and increasing the coercive sanctions against Defendants, Dkt. Nos. 104-107;

WHEREAS, on March 2, 2023, the Court granted BOCA’s application and, among other things, imposed additional sanctions payable to BOCA by each Defendant of \$40,000 per week relating to the Aircraft Documentation, and \$60,000 per week relating to the Replacement Engines, with payment for each category of sanctions to commence on March 16, 2023, Dkt. No. 124;

WHEREAS, as of the date judgment was entered against Defendants, Dkt. 152, additional sanctions of \$160,000 accrued against each Defendant as to the Aircraft Documentation and \$240,000 as to the Replacement Engines;

WHEREAS, as of the date of this Order, the total sanctions accrued and unpaid as to the Aircraft Documentation are \$1,460,000 against AirBridge and \$1,460,000 against Volga-Dnepr.;

WHEREAS, the total sanctions accrued and unpaid as to the Replacement Engines are \$2,340,000 against AirBridge and \$2,340,000 against Volga-Dnepr;

WHEREAS, on April 11, 2023, the Court entered judgment in favor of BOCA that included damages arising out of Defendants’ failure to deliver Replacement Engines and the parties agree that, as a result, awarding judgment to BOCA as to the sanctions relating to

delivery of title to Replacement Engines would result in a double recovery for BOCA and thus should not be included in the Court's final judgment; therefore, it is hereby

ORDERED that the compensatory sanctions payable to Plaintiff arising from Defendants' violations of the Court's orders as to Replacement Engines are dismissed; and it is further

ORDERED that Plaintiff is entitled to a supplemental judgment awarding it an additional recovery against AirBridge in the amount of \$1,460,000 and an additional recovery against Volga-Dnepr in the amount of \$1,460,000 arising from the violation of the Court's orders as to the Aircraft Documentation. The Clerk of Court is respectfully directed to enter a supplemental judgment in the amount of \$2,920,000 for Plaintiff.

SO ORDERED.

Dated: [June 12, 2023](#)
New York, New York



LEWIS J. LIMAN
United States District Judge